

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>HENRY W. GLANDING, JR.,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	Civ.Act.No. 07-469-***
	)	
<b>ELIZABETH BURRIS</b> , Acting Warden	)	
and <b>JOSEPH R. BIDEN, III</b> , Attorney	)	
General for the State of Delaware	)	
	)	
Respondents.	)	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Henry W. Glanding, Jr., has applied for federal habeas relief, alleging his counsel rendered constitutionally defective assistance in his state court criminal proceedings. D.I. 1. By the terms of the Court's order, the answer is due to be filed on November 1, 2007.

2. Counsel has been, and continues to be, diligently working on numerous cases before this Court and the state courts. Counsel is doing his best to prioritize cases by date received. Further, the Chief of the Appeals Division must review all filings prior to submission and has been unable to do so due to his own substantial caseload. In light of the situation, additional time is needed to complete the answer and have it reviewed in the ordinary course of business.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-74 & n.4 (9<sup>th</sup> Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985). The comment to Rule 4 expressly states that the district court has "the discretion to take into account various factors such as the respondent's workload" in determining the period of time that should be allowed to answer the petition.

4. This is respondents' first request for an extension of time in this case.

5. Respondents submit that an extension of time to and including December 7, 2007, in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/ James T. Wakley  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4612

DATE: November 1, 2007

**RULE 7.1.1 CERTIFICATION**

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ James T. Wakley  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Counsel for Respondents

Date: November 1, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2007, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on November 1, 2007, I mailed, by United States Postal Service, the same documents to the following non-registered participant:

Henry W. Glanding, Jr.  
SBI # 0020010512  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ James T. Wakley  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4612  
james.wakley@state.de.us

Date: November 1, 2007

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**FOR THE DISTRICT OF DELAWARE**

**HENRY W. GLANDING, JR.,**

Petitioner,

V.

Civ.Act.No. 07-07-469-\*\*\*

**ELIZABETH BURRIS**, Acting Warden  
and **JOSEPH R. BIDEN, III**, Attorney  
General for the State of Delaware

Respondents.

## ORDER

This \_\_\_\_ day of \_\_\_\_\_, 2007,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made  
and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents' answer shall be filed on or before December 7, 2007.

United States District Judge